

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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CAROL NOE,	:	
	:	
Plaintiff,	:	19-CV-1455 (JHR) (OTW)
	:	
-against-	:	<b><u>ORDER</u></b>
	:	
RAY REALTY, et al.,	:	
	:	
Defendants.	:	
	:	
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**ONA T. WANG, United States Magistrate Judge:**

The Court has reviewed ECF Nos. 131 and 132.

The Court has determined that mediation in this matter will not be productive at this time. The Court additionally notes that in Plaintiff's letter to the Court objecting to mediation (ECF 131), Plaintiff made multiple statements that are not truthful.<sup>1</sup> Notwithstanding the special solicitude accorded to *pro se* plaintiffs, such behavior is sanctionable. The Court declines to issue sanctions against Plaintiff at this time, but warns Plaintiff that sanctions may be issued against her in the future for fraudulent misrepresentations to the Court, with a \$50 sanction for each occurrence. *See* Fed. R. Civ. P. 16(f)(1)(B); 28 U.S.C. § 1927.

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<sup>1</sup> *Compare* ECF 131 at 4 ("At No time during the in person Conference of May 11, 2023 Nor during the so called confidential phone call of March 30, 2023 did Magistrate Wang ever Disclose, Discuss or Inform specifically to Pro Se ADA Disabled Plaintiff that appointed counsel would only be appointed to negotiate a potential settlement with the Mediator and Mediation Program") with the Court's statements at the May 11 status conference ("I will tell you that we are working on getting you pro bono counsel for settlement purposes *only*") (emphasis added) (ECF 133 at 16). Additionally *compare* ECF 131 at 3 ("At No time during the in person Conference of May 11, 2023 Nor during the so called confidential phone call of March 30, 2023 did Magistrate Wang ever Disclose, Discuss or Inform specifically to Pro Se ADA Disabled Plaintiff that a Mediator would be involved in pre-settlement negotiations with appointed pro bono counsel for ADA Disabled Plaintiff") with ECF 133 at 30 ("I'm going to enter an order referring you to the mediation program. I am also going to request that we try to get you a pro bono attorney for mediation and for settlement").

The Court construes ECF 114 and its exhibits as Plaintiff's latest Complaint. Defendants are directed to file an answer or other responsive pleading to ECF 114 by **June 30, 2023**.

ECF 131, Plaintiff's motion for appointment of counsel for all purposes, will be addressed in a later order. Defendants may respond to Plaintiff's motion for appointment of counsel by June 30, 2023.

Defendants are directed to serve a copy of this order on the *pro se* Plaintiff.

**SO ORDERED.**

Dated: June 5, 2023  
New York, New York

s/ Ona T. Wang  
**Ona T. Wang**  
United States Magistrate Judge